HIGH COURT OF UTTARANCHAL AT NAINITAL

(Court's order whether the case is or not approved for reporting.)

(Chapter VIII Rule 32(2) (b)

Description of the case

W.P. No. 506 (S/S) of 2005
Mahaveer Singh and another

Vs.

Joint Director Education Nainital & others.

Approved for reporting.

Not approved for reporting

Date of decision 05.5.2005

Initial of Judge

IN THE HIGH COURT OF UTTARACHAL AT NAINITAL

W.P. NO. 506 (S/S) OF 2005

1. Mahaveer Singh, son of Sri Fhakir Chand, presently working as Principal in Primary in Primary School Udaipur Balijudi, Ramnagar, District Nainital.
2. Narayan Das, son of Sri Mangal Singh presently working as Principal in Primary School, Rajpur, Ramnagar, district Nainital. .....Petitioners.

Versus

1. Joint Director Education, Nainital.
2. Basic Shiksha Adhikari, Udham Singh Nagar.
3. Basic Shiksha Adhikari, Nainital.

.....Respondents.

Sri S.S. Yadav, learned counsel for the petitioners.
Learned Standing counsel for the respondents.

Hon'ble Rajesh Tandon, J.

Both the parties have agreed that let the writ petition be disposed of finally in terms of the prayer for consideration of the representation of the petitioners for relieving them.

By means of this petition, the petitioners, who are presently working as Principals in Primary Schools, District Nainital has prayed for a writ, order or direction in the nature of mandamus directing the respondents to relieve the petitioners for district Udham Singh from district Nainital on the vacant posts of Assistant Teachers according to their options.

Contention of the petitioners is that the petitioners were appointed as Assistant Teachers in Primary School prior to

bifurcation of District Udham Singh Nagar and Nainital. In the year 1995 a new district, namely, Udham Singh Nagar was bifurcated from District Nainital. At the time of bifurcation, the petitioners were teaching in district Nainital, therefore, options were invited from the petitioners and they opted for district Udham Singh Nagar in the year 1997. The respondent no. 2 has prepared a list in which name of the petitioners are at Serial No. 5 and 7 respectively. The petitioners have made representations on 27.01.2004 before the Authority concerned to relieve them from the district, they have opted. Till date, the respondents have not taken any decision on the representation and they are not being relieved to district Udham Singh Nagar.

In spite of the option given by the petitioners, their prayer has not yet been considered when in point of fact sufficient posts of Assistant Teachers are vacant in the Primary Schools.

Learned counsel for the petitioners has also pointed out that the similar matter in Writ No. 837 of 2004 a direction has been made for considering the representation in the light of the options given on the bifurcation of the district.

In view of the aforesaid facts, I direct the Joint Director of Education (Basic) Kumaun Division, Nainital to decide the representation moved by the petitioners within a period of four weeks from the date of receipt of a certified copy of this order.

The petitioners are directed to place a copy of this order along with their representation before the Joint Director of Education Basic Kumaon Region, Nainital/In-charge Regional Primary Schools Kumaon Mandal within two weeks from today.

In view of the aforesaid observations, the writ petition is disposed of.

Writ petition is disposed of accordingly.

(Rajesh Tandon, J.)

Dated: 05.05.2005

Rathour